

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**LISA RENTZ JOHNSON, and GEORGE  
JOHNSON, individuals;**

**Plaintiffs,**

**vs.**

**C.R. ENGLAND, INC., a Utah Corporation;  
and DYLLAN ANDRUS MILLER, an  
Individual;**

**Defendants.**

**8:21CV363**

**THIRD AMENDED  
CASE PROGRESSION ORDER**

This matter is before the Court on the Joint Motion to Modify Progression Order ([Filing No. 48](#)). After review of the motion, the Court finds good cause to grant the requested extensions. Accordingly,

**IT IS ORDERED** that Joint Motion to Modify Progression Order ([Filing No. 48](#)) is granted and the second amended case progression order is amended as follows:

- 1) The deadlines for identifying expert witnesses and completing expert disclosures<sup>1</sup> for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiffs (identification):

**December 30, 2022**

For the plaintiffs (disclosures):

**January 30, 2023**

For the defendants:

**April 3, 2023**

Plaintiffs' rebuttal:

**April 24, 2023**

- 2) The planning conference scheduled for April 10, 2023, is cancelled. The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings is scheduled with the undersigned magistrate judge on **May 19, 2023**, at **10:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 3) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **May 24, 2023**.

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<sup>1</sup> While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- 4) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **June 30, 2023**.
- 5) The deadline for filing motions to dismiss and motions for summary judgment is **June 30, 2023**.
- 6) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 7) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 19<sup>th</sup> day December, 2022.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge